

# Court of Appeals, State of Michigan

## ORDER

Safiya A Khalid v Town Apartments & Suites

Docket No. 256103

LC No. 03-336820-AV

Michael J. Talbot  
Presiding Judge

Kirsten Frank Kelly

Christopher M. Murray  
Judges

On August 6, 2004, plaintiff-appellant, Safiya A. Khalid, was ordered to pay \$75 in costs in this case, one of thirty four filed since March of 1993. The costs were assessed for filing a motion for immediate consideration without specifically stating the grounds for needing action on an emergency basis as required by MCR 7.205(E), and for filing an interlocutory application as an emergency without any reasonable basis for belief that there was an actual need for immediate hearing. On January 6, 2005, an order was issued requiring Safiya A. Khalid to pay the costs by January 18, 2005, or to appear on January 20, 2005, at 2:00 p.m. to show cause. Safiya A. Khalid failed to pay the costs and failed to appear in accordance with the order. A hearing was conducted on the record in Safiya A. Khalid's absence.

Based upon the evidence presented at the hearing, the Court finds that Safiya A. Khalid has the ability to pay the \$75 in costs<sup>1</sup>. Her ability to pay is imputed from her participation as a principal in Data Smart Consultations, LLC, a limited liability company licensed in Colorado and doing business in Michigan, which has a website at <http://datasmartllc.us> and which has a local mailing address that is the same as the address on file with this Court for Safiya A. Khalid. The Court finds that Safiya A. Khalid is in contempt of this Court for failing to pay the assessed costs and ORDERS that Safiya A. Khalid shall be barred from continuing any action in this Court until the \$75 in costs are paid.

The Court further ORDERS that should Safiya A. Khalid file a motion to waive filing fees in this Court at any time in the future, the motion must be accompanied by an affidavit disclosing the reason for her inability to pay the filing fees as required by MCR 7.219(G), and shall be closely scrutinized by this Court.

<sup>1</sup> Even if Ms. Khalid were to be found to be indigent the costs assessed in the August 6, 2004, order would not be waived. See *Wells v Department of Corrections*, 447 Mich 415 (1994), where our Supreme Court held that even when initial filing fees and costs are waived to allow an indigent party access to the courts, once admitted to the courthouse, an indigent person can be liable for costs assessed under another provision of the court rules.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 04 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk